

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9884 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VIKRAMBHAI MOHANLAL SAINI

Versus

COMMISSIONER OF LABOUR

Appearance:

MR TR MISHRA for Petitioner

MR DA BAMBHANIA for Respondent No. 1

Respondent No. 2, 3, 4 served.

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 17/02/97

ORAL JUDGEMENT

Rule . Service is Rule is waived by the learned Additional Government Pleader Mr.Bambhania. Respondents Nos.2,3 and 4 are deleted upon the request of the learned advocate for the petitioner.

The petitioner workman has challenged the non-implementation and failure and inaction to perform duties imposed on respondent No.1-Commissioner of Labour, Gujarat State. The petitioner has prayed for a direction to respondent No.1 to initiate criminal prosecution under Section 29 of the Industrial Disputes Act, 1947 ('ID Act') for breach of the award passed by the Labour court.

After having considered the facts and circumstances, it is very clear that the petitioner has repeatedly requested respondent No.1 for appropriate action and initiation of criminal prosecution against the employer. Several reminders are sent copies whereof are placed on record.

After having considered the facts and circumstances and the provisions of Section 29 of the ID Act, respondent No.1 Commissioner of Labour is directed to consider and decide the representation of the petitioner for initiation of criminal prosecution under Section 29 of the ID Act for the alleged breach of the award recorded by the Labour court in Reference (LCA) No.2367 of 1991 as early as possible but not later than six weeks from today.

In view of the aforesaid directions, this petition stands partly allowed. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.
